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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, )

12 Plaintiff, )

13 v. )

14 )  
15 MARVIN NELSON , )

16 Defendant. )

No. CR 07-00364 CW

STIPULATION AND [PROPOSED]  
ORDER CONTINUING CHANGE OF  
PLEA DATE AND EXCLUSION OF  
TIME

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the change of  
18 plea date in this case, currently set for Wednesday, September 19, 2007, before Honorable Judge  
19 Claudia Wilken may be continued two weeks to Wednesday, October 3, 2007, at 2:30 p.m. for  
20 change of plea. The parties are discussing the terms of the plea agreement and the various  
21 mitigating factors which might affect the government's sentencing recommendation. Additional  
22 investigation and research is needed in order for the parties to finalize the agreement. A continuance  
23 to October 3, 2007, at 2:30 p.m. will allow the parties time to complete the investigation and finalize  
24 the agreement. The parties stipulate that the time from September 19, 2007, to October 3, 2007,  
25  
26

1 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§  
2 3161(h)(8)(A) and (B)(iv) for continuity of counsel and for adequate preparation of counsel.

3 DATED: 9/18/07

\_\_\_\_\_  
4 JOYCE LEAVITT /S/  
Assistant Federal Public Defender

5 DATED: 9/18/07

\_\_\_\_\_  
6 CHINHAYI COLEMAN /S/  
Assistant United States Attorney

7  
8 I hereby attest that I have on file all holograph signatures for any signatures indicated by  
9 a “conformed” signature (/S/) within this e-filed document.

10 **ORDER**

11  
12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the change of plea date in this  
13 case, currently scheduled for Wednesday, September 19, 2007, at 2:30 p.m. shall be continued to  
14 Wednesday, October 3, 2007, at 2:30 p.m. for change of plea.

15 IT IS FURTHER ORDERED that the time from September 19, 2007 to October 3, 2007,  
16 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§  
17 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends of  
18 justice served by the granting of the continuance outweigh the best interests of the public and the  
19 defendant in a speedy and public trial and the failure to grant the requested continuance would  
20 unreasonably deny the defendant’s counsel the reasonable time necessary for effective preparation,  
21 taking into account due diligence.

22  
23 SO ORDERED.

24 DATED:

\_\_\_\_\_  
25 HONORABLE CLAUDIA WILKEN  
United States District Judge